

**TOWN OF BRECKENRIDGE
TOWN COUNCIL REGULAR MEETING
TUESDAY, JULY 12, 2011
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CALL TO ORDER and ROLL CALL

Mayor Warner called the July 12, 2011 Town Council Meeting to order at 7:30 p.m. The following members answered roll call: Mr. Dudick, Ms. McAtamney, Mr. Bergeron, Mr. Mamula, Mr. Joyce, Mr. Burke, and Mayor Warner.

APPROVAL OF MINUTES – June 28, 2011 Regular Meeting and June 30 Special Meeting

Mr. Burke had one correction to the June 28 regular meeting and wanted to reword a statement under his Breckenridge Resort Chamber update. He would like it to say that if the Central Reservations board were to go away, and all of the fees they cover such as salaries and rent, they would see a net gain of \$16,000. Council had no changes to the June 30 special meeting.

APPROVAL OF AGENDA

There were no changes.

COMMUNICATIONS TO COUNCIL

A. Citizen's Comments - (Non-Agenda Items ONLY; 3 minute limit please)

Mayor Warner stated that during the work session the council had a lengthy discussion concerning the location of the fireworks for next year's 4th of July celebration. The council came to a 4-3 vote which determined that the Town would go back to using the traditional fireworks display as in past years. Council acknowledged the possibility that the gondola lot would no longer be available in the next four to seven years and a new location would need to be determined. More discussion will follow in the future.

Harlan Allman, owner of Allman Painting, Inc. came to express his concern with allowing biking on Main Street and feels there isn't any enforcement from the Police Department regarding the safety of cyclists. Mayor Warner brought up the example of the skateboarders using Main Street and that council passed an ordinance which gave the skateboarding community approximately one year to show that they could comply with the rules. This ordinance had to be repealed due to non-compliance from local skateboarders. Mayor Warner assured Mr. Allman that if the Police Department or others have a large number of incidents regarding bicyclists, then council would also look into repealing the ordinance dealing with bicycles on Main Street. Mr. Allman also mentioned his concern for the basically non-existing sidewalk adjacent to the Breckenridge Terrace Apartments, wondering why the Town didn't require Vail Resorts to pave a sidewalk and provide better lighting for that section of the road. Mayor Warner mentioned that the Town recently authorized \$300,000 for improvements to Airport Road which will include a sidewalk that will be located off of the roadway. Mr. Allman also noticed the use of a boom truck during the fireworks and that he would be willing to donate the one owned by his business for use by the Town.

B. BRC Director Report

John McMahon reported that they have started planning sessions for 2012. May was very slow but June picked up a little more. The July 4th holiday was strong, the parade went smoothly and saw a good crowd even though consumers were concerned with the fireworks. Mr. McMahon gave Mr. Dudick credit for the use of QR codes which are used with smartphones. These codes will launch you to a certain website with local events, restaurant information, etc. These codes are posted inside every other gondola cab. Central Reservations has been discussing their winter marketing plan. The BRC annual meeting is on July 25. Mr. Bergeron added that it was a great July 4th weekend. Mr. McMahon also mentioned the high cost of using barricades during town events and to look into a different alternative in the future because our crowds will keep getting bigger. Mayor Warner summarized council's opinion of looking at a long-term solution for the barriers and to look into other options instead of throwing the candy out at the parade.

C. USA PCC Update

Mike Shilling of the **USA Pro Cycling Challenge** informed council that they do have a fully signed contract with the USA Pro Cycling Challenge. There was a float in the 4th of July parade promoting the event and they have been using commercials on Versus. The BRC has been working with Jeff Westcott of Maverick Sports to do several pre-race events. Beginning at 5:00 a.m. on Saturday, August 27, Main Street will be closed. Around 10:00 a.m. they plan to have events for kids; have street-sprint races down Main Street; and obstacle courses for local bike technicians including maintenance challenges. Ripstoke bike riders will also be out on Main Street. At noon there will be a large exposition area that will have local sponsors and food options. Then around 1:00 p.m., everything will be turned over to Medalist Sports who will have three jumbotrons with live views of the race. The race will probably end shortly after 3:30 and will include a concert at the Riverwalk Center. Racing team announcements keep rolling out every week. The budget is in good shape and they continue to update the budget every two to three weeks. They will be encouraging zero-waste initiatives and will be using volunteers from High Country Conservation. Merchandise will include t-shirts, hoodies, water bottles, and cow bells. There is a solid volunteer basis with many people coming up from the front range to help. The race won't be a dog-friendly event – this information is mentioned on the website. Mr. Shilling thanked Nikki Arcieri for her wonderful graphic design work on the Stage Five poster.

CONTINUED BUSINESS

A. SECOND READING OF COUNCIL BILL, SERIES 2011 – PUBLIC HEARING

- 1. Council Bill No. 29 Series 2011 - An Ordinance Designating Certain Real Property As A Landmark Under Chapter 11 Of Title 9 Of The Breckenridge Town Code (Lot 69, Bartlett And Shock Addition)**

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Town Attorney Tim Berry explained that the Town recently issued a development permit for this property. Under the conditions of permit, this ordinance would designate the property under the Town's Historic Preservation ordinance. If this ordinance is adopted, the property would be designated as a historic landmark. There were no changes to the ordinance from first reading.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve Council Bill No. 29, Series 2011. Mr. Mamula seconded the motion. The motion passed 6-0, with Mr. Joyce choosing not to participate in the vote.

2. **Council Bill No. 30, Series 2011** - An Ordinance Allowing The Use Of The Electrical Motor On An Electrical-Assisted Bicycle That Is Being Operated On The Bike Path Within The Town

Mr. Berry explained that State traffic laws authorize local governments to permit - by affirmative action - the use of an electric motor on an electric assisted bicycle being operated on the town's recreational path. This ordinance would allow their use on the recreational bike path in the town. There were no changes from first reading.

Mayor Warner opened the public hearing. There were no comments from the public; however, Mayor Warner stated that he would vote against the ordinance because he would prefer not to see electric assisted bicycles on the recreational path. Mr. Mamula agreed with Mayor Warner stating that he would also vote against the ordinance. Mr. Mamula mentioned his concern that people would be traveling faster than their abilities. There were no further comments and the public hearing was closed.

Ms. McAtamney moved to approve Council Bill No. 30, Series 2011. Mr. Burke seconded the motion. The motion passed 5-2 with Mr. Mamula and Mayor Warner voting against the ordinance.

3. **Council Bill No. 31, Series 2011** – An Ordinance Submitting To The Registered Electors Of The Town Of Breckenridge At A Special Town Election To Be Held On November 1, 2011 The Question Of Whether, Commencing January 1, 2012, The Town Of Breckenridge Should Impose An Excise Tax Of Five Percent (5%) On The Retail Sale Of Medical Marijuana By Authorized Medical Marijuana Retailers As A New Tax Pursuant To Article X, Section 20 Of The Colorado Constitution; Requiring Revenues Collected By The Town From The New Tax To Be Used Only For Designated Purposes; Setting Forth The Ballot Title; And Providing For The Conduct Of The Election

Town Manager Tim Gagen explained that at the retreat, the council discussed the liability of putting forward an excise tax which is an addition to the current sales tax for medical marijuana sales. This tax would cover the cost of administration for medical marijuana laws, the town's legal attorney, and would also be used for detoxification and drug related prevention programs. There were a few changes from the first reading. Mr. Gagen asked that council refer to the form that was included in the packet. Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve Council Bill No. 31, Series 2011. Mr. Dudick seconded the motion. The motion passed 7-0.

NEW BUSINESS

A. **FIRST READING OF COUNCIL BILL, SERIES 2011**

1. None.

B. **RESOLUTIONS, SERIES 2011**

1. A Resolution Adopting the "SustainableBreck Plan, July 2011" (PUBLIC HEARING)

Mark Truckey of the Community Development Department explained the large public involvement with this project. The meetings have been well-attended over the last year. He also explained that this sustainability plan is intended to be a living document, something that will change and progress over time. Mr. Truckey encouraged council to take action tonight and adopt the plan. Mayor Warner asked if there were any questions from council. There were none.

Mayor Warner opened the public hearing. Dave November informed council that he attended four of the five nights last summer for the Sustainable Breckenridge project. Mr. November appreciated being a part of the process and gave compliments to council for all of their work. He also thanked Mr. Truckey, Chris Kulick, and Julia Puester of the Community Development Department. Mr. November was in attendance during the discussion of the solar panels and was concerned that certain items won't be supported. He encouraged town citizens to come be involved in the process, as this sustainability project will include some tough decisions. Mr. November also suggested the formation of another advisory commission. Mr. November also mentioned that the discussion on the local economy wasn't reflected properly in the report. He thanked the council for making this report happen.

Mr. Gagen pointed out that this project has been the second most significant item that council has supported in his time working here at the Town. Mayor Warner added that he is pleased with the report and would like to see the commercial/residential area on Airport Road sustained.

Mayor Warner opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve A Resolution Adopting the "SustainableBreck Plan, July 2011". Mr. Joyce seconded the motion. The motion passed 7-0.

C. **OTHER**

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1. Planning Commission Appointment

Council voted on the Planning Commission candidate. The successful candidate was Jim Lamb and his appointment will continue through October 30, 2012.

PLANNING MATTERS

A. **Planning Commission Decisions of July 5, 2011**

There were no requests for call up. Mayor Warner declared the Planning Commission Decisions were approved as presented.

B. **Town Council Representative Report (Mr. Burke)**

Mr. Burke had nothing to report.

REPORT OF TOWN MANAGER AND STAFF

The report was given during the work session.

REPORT OF MAYOR AND COUNCILMEMBERS

- A. **CAST/MMC** (Mayor Warner) – Reported during work session.
- B. **Breckenridge Open Space Advisory Commission** (Mr. Dudick) – Reported during work session.
- C. **Breckenridge Resort Chamber** (Mr. Burke) - Reported during work session.
- D. **Marketing Committee** (Mr. Dudick) – Reported during work session.
- E. **Summit Combined Housing Authority** (Mr. Joyce) – Reported during work session.
- F. **Breckenridge Heritage Alliance** (Mr. Burke) – Reported during work session.
- G. **Sustainability Committee** (Mr. Bergeron, Mr. Joyce, Mayor Warner) – Reported during work session.
- H. **Joint Upper Blue Master Plan Update Committee** (Mr. Bergeron, Mr. Mamula) – Reported during work session.
- I. **Water Task Force** (Mr. Mamula) – Reported during work session.

OTHER MATTERS

Ms. McAtamney mentioned the traffic trouble associated with the parade stating that it was backed up into Blue River. She also mentioned the DUI notice signs that were posted up along roadways and asked if they were approved to be there. Police Chief Rick Holman assured council that the signs had his approval to be there.

Mr. Dudick mentioned the issue of excessive parking at the Peaks trailhead. He also stated that if an employee is found parking there, that the employee's job would be terminated. Mr. Dudick was walking by Breckenridge Cannabis Club and noticed a sign on the lower level door instructing people to come upstairs. He felt that the sign shouldn't be displayed on the first floor. Mr. Mamula added that, according to town sign codes, businesses are allowed to use signage for their business if they are located on the second floor.

Mayor Warner asked Director of Communications Kim Dykstra-DiLallo about a briefing on the Lyle Lovett concert and when that would occur. Ms. Dykstra-DiLallo stated that there would be a meeting tomorrow at 3:30 and that she does have preliminary figures as to the gross income. Mr. Mamula would like to invite the AEG representatives to a meeting to discuss the possibilities for future concerts.

Mayor Warner took a tour of the Double Diamond distillery and mentioned their need to expand the business and that the process with the Community Development/Building Departments didn't go as well as they would have preferred. Mayor Warner further explained this was due to the fact that the Double Diamond distillery is a new type of process for Breckenridge. Mayor Warner asked if council would like to include an "Enterprising" zone in the town, which would include incentivizes for new businesses. Jared Manskee commented to the council that the business had a terrible experience with the Building Department. Mayor Warner pointed out that the town can now move forward and have a more seamless process when dealing with distilleries and welcomes suggestions from Community Development Director Peter Grosshuech. Mayor Warner asked the other members how they felt about creating an "Enterprise" zone. Mr. Burke would be open to the idea. Ms. McAtamney and Mr. Bergeron would like to know more information about this type of zone before proceeding further.

SCHEDULED MEETINGS

There were none.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:15 p.m.

Submitted by Jena Taylor, Administrative Specialist.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

John Warner, Mayor